

§Appl. No. 10/649,820  
Amdt. dated November 10, 2004  
Reply to Office Action of, August 10, 2004

### **REMARKS**

Claims 1-11 remain in this application for examination.

#### **Claim Objections:**

Applicants have amended claims 1 and 3 by inserting the word "to" in claim 1 and correcting the spelling of "aperture" of claims 3 and 10.

#### **Claim Rejections - 35 U.S.C. §112:**

Applicants have deleted the term "the keeper on" from claim 4 so the issue as to what the keeper is a portion of has been negated.

#### **Claim Rejections - 35 U.S.C. §102:**

Claims 1-8, 10 and 11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sands '398. Applicants respectfully traverse this rejection.

Applicants recite in independent claim 1:

"a pivot disposed at the second end of the base plate" and "a latching plate pivoted at a first end thereof on the pivot to rotate toward and away from the door when the portable security lock is mounted on the door jam."

In Sands '398 there is no pivot disposed at the second end of the base plate, but rather merely a hole 32 for receiving a link 31. Clearly, in Sands '398 there is no latching plate pivoted to the pivot disposed at the second end of the base plate but rather, the latching plate is pivoted on a sliding element 19 slidably mounted on the base plate. Accordingly, Sands '398 fails to teach two limitations of Applicants' single independent claim 1. Moreover, there is no slider mounted on the latch plate, rather there is only a slider mounted on the base plate in Sands '398. In addition, to not

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having a slide mounted on the latching plate there is no detent on the slider for sliding into engagement with a locking surface of the base plate to lock the latching plate to the base plate. Clearly, there is no slider slidably mounted on the latching plate in Sands '398, rather there is a projection 25 possibly fixed to a pivoted structure that is rotatably mounted on the base plate by virtue of a slider 17 being slidably mounted on a base plate. The structures and their cooperation is substantially different from the structures for a portable security lock set forth in claim 1 wherein a pivoted latching plate 26 for holding a door closed with a foot 30 utilizes a slider with a sliding detent 92 to lock the latching plate in position.

Claims 2-8, 10 and 11 as well as claim 9 embody all of the limitations of claim 1 since these claims are depended from claim 1. Consequently, claims 2-11 are not anticipated by Sands '398 for the same reasons that claim 1 is not anticipated.

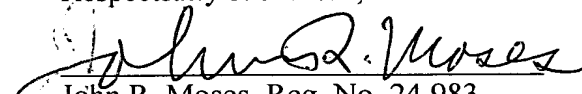
Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Sands '398 in view of Downs '578. Applicant respectfully traverses this rejection. Whatever else, Downs '578 discloses, Downs fails to disclose any structure which would anticipate Applicants' claimed invention because Downs does not disclose a latching plate pivoted at a first end of a base plate, wherein the latching plate has a slider mounted thereon. That Downs '578 discloses a pad 32 for engaging the door, does not render obvious other structures not shown in Sands '398. Consequently, the rejection of claim 9 as unpatentable over Sands '398 in view of Downs '578 is not sustainable.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which could be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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